

## **NIGERIA COUNTRY REPORT**

**OCTOBER 2003**

### **COUNTRY INFORMATION & POLICY UNIT**

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### **1. SCOPE OF DOCUMENT**

**1.1** This report has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

**1.2** The report has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

**1.3** The report is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain. These sources have been checked for currency, and as far as can be ascertained, remained relevant and up to date at the time the document was issued.

**1.4** It is intended to revise the country reports on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

### **2. GEOGRAPHY**

**2.1** The Federal Republic of Nigeria is the fourth largest and most populous country in Africa. Benin borders Nigeria to the west, Niger to the north, Cameroon to the east and the Bight of Benin to the south. The terrain varies from coastal swamps in the south, through tropical forests and savannah to semi-desert in the north. The highest regions are the Jos plateau (1200-2000 metres above sea level) and mountains along the border with Cameroon. Nigeria is the most populous African nation, in 1999 its population was estimated to be 120 million, but as the last census was in 1991 estimates vary considerably. [1][2][4]

### 3. ECONOMY

**3.1** Nigeria is the leading sub-Saharan oil producer, 1.84 million barrels of oil per day, and oil accounts for 98.6% of all exports. Nigeria has a vast but largely unfulfilled economic potential. As a result annual income per head in Nigeria is amongst the lowest in the world at \$375, and two thirds of the population live on less than a dollar per day. Institutionalised and pervasive corruption, has hindered economic development. General Abacha, a former head of state, siphoned off an estimated personal fortune of \$4.3bn. [2]

**3.2** Driven by rising oil prices and high levels of government spending, growth in real GDP grew by 3.89% in 2001, up from 3.83% in 2000. However, poor budgetary controls and inadequate monetary management contributed to rising inflation that reached an estimated 21.8% by March 2002. Inflation had led to an unsustainable disparity between the official and parallel exchange rate for the currency, the Naira. The poor economic performance has also reflected fundamental structural problems in the Nigerian economy. The key factors include corruption, the poor state of infrastructure, especially in the power sector, and the independence of state governments, which has made implementation of national economic policy difficult. These problems have prevented diversification of the economy from the hydrocarbon sector. One area of relative success in structural reform has been the privatisation programme. However the timetable suffered a significant set back with the collapse in early 2002 of the flagship sale of the national telecom carrier NITEL. [2]

**3.3** Nigeria is a highly indebted country owing approximately \$28bn to external creditors. The overwhelming majority of this debt (\$22bn) is owed to official bilateral creditors, other governments, which are members of the Paris Club. The United Kingdom is by far the largest official creditor, being owed approximately \$6 billion. The remainder is owed in roughly equal amounts to private creditors and multilateral institutions (the World Bank and African Development Bank). Nigeria and the International Monetary Fund (IMF) approved a one-year Standby Arrangement on 4 August 2000, however, this lapsed by mutual consent in October 2001 due to inadequate performance on some of the major areas for economic reform. In March 2002, Nigeria and the IMF agreed they would not pursue a further formal programme until after the presidential election in 2003. Nigeria cannot come to the Paris Club of official creditors for a programme of debt rescheduling or relief until such time as an IMF programme is in place and a satisfactory track record of reform is established. [2] For further information on geography and the economy, refer to Europa yearbook source. [1]

### 4. HISTORY

**4.1** President Sani Abacha died in office on 8 June 1998. On 20 July 1998, his successor General Abdulsalami Abubakar, the military head of state, announced a detailed plan leading to the restoration of a democratic, civilian government by 29 May 1999. He emphasised democracy, respect for human rights and the early withdrawal of the military from politics. He created an Independent National Electoral Commission (INEC), which announced a timetable for elections beginning with local elections on 5 December 1998 and culminating in presidential elections on 27 February 1999. The turnout for the local elections was good, and there was no violence. Following these, INEC gave full registration to three parties, the Peoples Democratic Party (PDP), the All Peoples Party (APP) and the Alliance for Democracy (AD). The PDP and APP both have a national support base, but the AD's support is predominantly from the Yoruba in the six south-west states. [2][187]

**4.2** The local elections, State Assembly and Gubernatorial elections on 9 January 1999 and National Assembly elections on 20 February 1999 were all judged credible by monitors. PDP had the best results throughout the elections. AD and APP therefore agreed to field a joint candidate for the Presidential elections. Olusegun Obasanjo (PDP) with 62% of the vote won the presidential election. Chief Olu Falae, the joint AD and APP candidate, gained 37% of the vote. Local and international monitors witnessed irregularities in the poll, but judged that the result broadly reflected the view of the Nigerian people. [2][188]

[For further information on history, refer to Europa yearbook source]. [1]

### THE 2003 ELECTION

**4.3** April's Presidential election was the first to be run by civilians for 20 years and was presented as a milestone in the country's return to democracy after years of military rule. Mr Obasanjo's sweeping victory was announced by the electoral commission after long delays and reports from election monitors alleging widespread fraud and intimidation in several states across the country. The official result showed 24.5 million votes for Mr Obasanjo against 12.7 million for his main rival, Muhammadu Buhari. **[197]**

**4.4** Speaking at a joint news conference after meeting other opposition parties in the capital, Abuja, Mr Buhari called the results the "rape of democracy" and "the most rigged in history", but he held back from calling for immediate mass action, as he had earlier threatened. **[197]**

**4.5** Most foreign observers praised the organisation of the elections across much of the country, but criticised polls in the south and east - especially in the oil-rich Niger Delta. **[197]**

**4.6** A monitoring team from the EU gave a particularly negative assessment saying their observers "witnessed and obtained evidence of widespread election fraud in 13 states". "The presidential and a number of gubernatorial elections were marred by serious irregularities and fraud - in a certain number of states, minimum standards for democratic elections were not met," the group said in a statement. The head of the EU mission, Max van den Berg, added that if these problems are not addressed, Nigerian democracy is in trouble. **[197]**

**4.7** Commonwealth observers gave a more positive assessment however saying: "In most of Nigeria a genuine and largely successful effort was made to enable the people to vote freely". But they added that in some states like Enugu and Rivers State "proper electoral processes appear to have broken down and there was intimidation". **[197]**

<b>PRESIDENTIAL ELECTIONS - 19 April 2003 *</b>		
<b>Candidate</b>	<b>Party</b>	<b>%</b>
Matthew O.F.A Obasanjo	People's Democratic Party	61.9
Buhari Muhammadu	All Nigeria People's Party	32.2
Ojukwu Chukwuemeka Odumegwu	All Progressives Grand Alliance	03.3

\* turnout of 69.1%

**[198]**

<b>HOUSE OF REPRESENTATIVES AND SENATE - 12 April 2003 */**</b>					
<b>Party</b>	<b>Abr</b>	<b>%</b>	<b>/360</b>	<b>%</b>	<b>/109</b>
People's Democratic Party	PDP	54.5	213	53.7	73
All Nigeria People's Party	ANPP	27.4	95	27.9	28
Alliance for Democracy	AD	9.3	31	9.7	6
United Nigeria People's Party	UNPP	2.7	2	2.7	-
National Democratic Party	NDP	1.9	1	1.6	-
All Progressives Grand Alliance	APGA	1.4	2	1.5	-
People's Redemption Party	PRP	0.8	1	0.7	-

\* turnouts 50.0%/49.3%

\*\* National summary of votes and seats as at 2 May, with 346 of 360 resp, 107 of 109 constituencies declared.

**[198]**

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## 5. STATE STRUCTURES

### [Part I](#)

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## 5. State Structures

### The Constitution

**5.1** The 1999 Constitution was based closely on the 1979 Constitution. Basic political rights are enshrined in the Constitution, and these include the right to personal liberty, the right to a fair trial, the right to freedom of expression and of the press, and the right to dignity of the human person. [2][3]

**5.2** The 1999 Constitution prohibits torture and the mistreatment of prisoners. The Constitution protects individual rights before the judiciary, including a presumption of innocence, the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. However these have been undermined by a lack of respect for the rule of law. [3]

**5.3** The President has set up a Commission to review the Constitution. It held public hearings around the country and it has now reported to the President; the National Assembly set up a parallel Commission. [2][176]

### Citizenship and Nationality

**5.4** The 1999 Constitution set out the requirements for Nigerian citizenship in Chapter III. Citizenship by birth would appear to be acquired by birth in Nigeria, with one parent or one grandparent being a Nigerian citizen. Citizenship by decent would be acquired by a person born outside Nigeria, with one parent being a Nigerian citizen. [7]

**5.5** There are provisions to acquire citizenship by both naturalisation and registration. The President has the power to make regulations regarding citizenship, but these must be in accordance with Chapter III. [7]

### Political System

**5.6** Nigeria is a democratic federal republic. Local, parliamentary and presidential elections have been held, and the hand-over to the elected civilian President Olusegun Obasanjo took place on 29 May 1999 without incident. The President, subject to the confirmation of the Senate, nominates the cabinet. Although the Constitution allows the free formation of political parties, only three parties were registered with the INEC. The Constitution requires parties to demonstrate that they have a nation-wide following. [1][3]

**5.7** The INEC had of March 2003 registered 30 parties, and these were free to contest the elections in April 2003. However, some of these have challenged the fees required for registration; these are related to administrative charges, and would not appear to be a bar to participation in the political process. [11][12]

**5.8** The Justice Minister Bola Ige was murdered on 23 December 2001. The Minister was a political ally of President Obasanjo, and the motive for his murder remains unclear. He was killed by a number of gunmen in Ibadan. The police have vigorously investigated this crime, and a number of arrests have been made. A senior aide to the chief justice was found dead two weeks after the murder. The body of the aide, Mr S. Awonusi, was found not far from the central mosque in Abuja. There is nothing to indicate that the two killings were related. [8][9][10]

**5.9** The assassination of prominent politicians has been an aspect of Nigerian politics, and is in part attributable to the widespread human rights abuses under previous military regimes; which led to erosion in respect for the democratic process. This violence usually occurs during times of heightened political tension, such as the periods leading up to local or parliamentary elections. The motivation for these crimes is often attributed to an individual's political stance, and supporters of political opponents are usually suspected of being responsible. As a result of the political patronage system in Nigeria, winning elections to gain positions of political power can be seen as an important way to make money. These murders are not supported by the Government, or ruling party, they are seen as crimes, and are investigated accordingly. [14][15][30]

**5.10** Over a four-week period that began on 18 February 2003, every Nigerian aged 18 years and above is required to register for

a national identity card. According to officials of the Department of National Civic Registration, which is in charge of the programme, at least 60 million Nigerians are estimated to be eligible for registration. [196]

**5.11** The main objective of issuing ID cards to Nigerians, according to the government, is to create a national database of information, that will aid effective government. That information will include fingerprints, blood groups and other personal details which a string of censuses since independence in 1960 have been unable to provide. [196]

**5.12** President Olusegun Obasanjo was more specific about the expected benefits when he kicked off the exercise by becoming the first person to be registered. "Firstly, it serves as a medium of identification of Nigerian citizens, and as an effective control of illegal immigrants," he said. "It also avails the government with comprehensive and reliable data for planning purposes." [196]

## Judiciary

**5.13** The 1999 Constitution enshrined basic political rights including the right to a fair trial. President Obasanjo has committed his government to a review of human rights abuse under previous military governments. Under the Constitution, the court system is composed of federal and state trial courts, state appeals courts, the Federal Court of Appeal, and the Federal Supreme Court. There are also Shari'a (Islamic) and customary (traditional) courts of appeal for each state and for the federal capital territory (Abuja). The courts include magistrate or district courts, customary or traditional courts, Shari'a courts, and for some specified cases, the state high courts. The nature of the case usually determines which court has jurisdiction. In principle customary and Shari'a courts have jurisdiction only if both plaintiff and defendant agree. However, in practice fear of legal costs, delays, and distance to alternative venues encouraged many litigants to choose the customary and Shari'a courts over the regular venues. [3]

**5.14** The extension of Shari'a law in many northern states has generated a public debate on whether Shari'a punishments such as amputation for theft, caning for fornication and public drunkenness constituted "torture or inhuman or degrading treatment" as stipulated in the Constitution. Caning as a punishment is available under Nigerian common law, the Northern Nigerian Penal Code, and Shari'a law and has not been successfully challenged in the court system as a violation of the cruel and inhuman punishment clause of the Constitution. While the expanded Shari'a laws do not apply to Christians, the Christian minority, especially in Zamfara and Sokoto States, are subjected to many of the social provisions of the law. [3][64]

**5.15** Criminal justice procedures call for trial within three months of arraignment for most categories of crimes. Understaffing of the judiciary, inefficient administrative procedures, petty extortion, bureaucratic inertia, poor communication between police and prison officials, and inadequate transportation continued to result in considerable delays in bringing suspects to trial, often stretching to several years. [3]

**5.16** Trials in the regular court system are public and generally respect constitutionally protected individual rights in criminal cases, including a presumption of innocence, and the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. However, there is a widespread perception that judges are easily bribed or "settled", and that the courts cannot be relied on to render impartial judgements. Most prisoners are poor and cannot afford to pay the costs associated with moving their trials forward, and as a result they remain in prison. Wealthier defendants employ numerous delaying tactics and, in some cases, use bribes to persuade judges to grant numerous continuances. This, and similar practices, clogged the court calendar and prevented trials from starting. Many courts are understaffed, and personnel are paid poorly. Judges frequently fail to appear for trials, often because they are pursuing other means of income. In addition court officials often lack the proper equipment, training, and the will to perform their duties, again due primarily to their inadequate pay and poor conditions. [3]

**5.17** Decree 33 of 1990 remains in operation. This decree allows for the detention of a Nigerian who has brought the country into disrepute. This decree is aimed at those who traffick in illicit drugs, and is subject to Judicial oversight. However, this decree allows for the detention of people, who may have already completed a sentence abroad, upon their return to Nigeria. This measure is a response to the serious drug trafficking problem that exists in Nigeria. The problem of the illicit drug trade, is one that the Nigerian authorities are attempting to address. [5][6]

## Legal Rights/Detention

**5.18** The Federal Nigeria Police Force (NPF) is tasked with law enforcement. The Constitution prohibits local and state police forces. Internal security is the duty of the State Security Service (SSS). The SSS's profile has declined under the present Government. Rapid Response Teams remained in most states, these are staffed by regular policemen. The Obasanjo Government lessened its reliance on the army to quell internal disorder. Members of the security forces, including the police, anti-crime squads, and the armed forces are still accused of committing serious human rights abuses. [3]

**5.19** The Constitution prohibits arbitrary arrest and detention; however, security forces generally did not observe these prohibitions. Police and security forces continued to use arbitrary arrest and detention. Police and security forces are empowered to make arrests without warrants if they believed that there was reason to suspect that a person had committed an offence; they often abused this power. Under the Fundamental Rights Enforcement Procedures Rules of the Constitution, police may arrest and detain persons for 24 hours before charging them with an offence. The law requires an

arresting officer to inform the accused of charges at the time of arrest and to take the accused persons to a station for processing within a reasonable amount of time. By law police must provide suspects with the opportunity to engage counsel and post bail. However, police generally did not adhere to legally mandated procedures. Suspects routinely were detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offences. Detainees often were kept incommunicado for long periods of time. The provision for bail often was arbitrary or subject to extra-judicial influence. In many parts of the country, there was no functioning system of bail, so many suspects were held in investigative detention for sustained periods of time. Numerous suspects alleged that police demanded payment before they were taken to court to have their cases heard. Police often demand an additional payment, from family members who attend court proceedings. [3]

## **Death Penalty**

**5.20**